

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering item accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. **PURPOSE OF THIS PETITION** (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____
- Attach statement describing the specific amendment sought.

2. Name of Employer
Chugach Management Services

Employer Representative to contact
Michael Cuddihee

Telephone Number
505-846-6711

3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)
2050 Wyoming SE Bld 20686 Kirkland AFB Albuquerque NM 87117

Telecopier Number (Fax)
505-853-2670

4a. Type of Establishment (Factory, mine, wholesaler, etc.)
Air Force Base

4b. Identify principal product or service
Maintenance

5. Unit involved (in UC petition, describe present bargaining unit and attached description of proposed clarification.)

Included
Heavy Equipment Operators and Heavy Equipment & Vehicle Repair Mechanics

6a. Number of Employees in Unit:
Present 16

Excluded
Supervisors, Office workers, and Guards as defined by the Act.

6b. Is this petition supported by 30% or more of the employees in the unit? ☒ Yes ☐ No

*Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable.)

7a. ☐ Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state.)

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (if none, so state.)
None

Affiliation

Address, Telephone No. and Telecopier No. (Fax)

Date of Recognition or Certification

9. Expiration Date of Current Contract. If any (Month, Day, Year)

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year)

11a. Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes _____ No ☒

11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state.)

Name	Affiliation	Address	Date of Claim
None			Telecopier No. (Fax)

13. Full name of party filing petition (If labor organization, give full name, including local name and number)
International Union of Operating Engineers Local 953 AFL-CIO

14a. Address (street and number, city, state, and ZIP code)
151 Pennsylvania SE P.O. Box 8533
Albuquerque NM 87198

14b. Telephone No.
505-266-5757

14c. Telecopier No. (Fax)
505-266-1945

15. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the state (b) (6), (b) (7)(C) I believe.

Name (Print) (b) (6), (b) (7)(C) Signature (b) (6), (b) (7)(C) Title (if any) (b) (6), (b) (7)(C)

Address (street and number, city, state, and ZIP code)
151 Pennsylvania SE Albuquerque NM 87198

Telephone No. 505-266-5757

Telecopier No. (Fax) 505-266-1945

RECEIVED ABO, NM
NLRB REGION 28

2012 OCT 12 AM 11:22

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

CHUGACH MANAGEMENT SERVICES JV

Employer

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 953, AFL-CIO

Petitioner

Case: 28-RC-091193

Date Filed: October 12, 2012

Date Issued: November 15, 2012

TYPE OF ELECTION

(Check One)



STIPULATION

(If applicable, check
either or both.)



CONSENT AGREEMENT



8(b)(7)



BOARD DIRECTED



Mail Ballot



RD DIRECTION

INCUMBENT UNION (CODE)

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 18
2. Number of Void Ballots 0
3. Number of Votes cast for International Union of Operating Engineers, Local 953, AFL-CIO 13
4. Number of Votes cast for XXXXXXXX
5. Number of Votes cast for XXXXXXXX
6. Number of Votes cast against participating labor organization(s) 4
7. Number of Votes counted (sum of 3, 4, 5 and 6) 17
8. Number of Challenged Ballots 1
9. Number of Valid Votes counted plus challenged ballots (sum of 7 and 8) 18
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (item 9) has ~~(not)~~ been cast for International Union of Operating Engineers, Local 953, AFL-CIO

For the Regional Director, Region 28

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For CHUGACH MANAGEMENT SERVICES JV

For INTERNATIONAL UNION OF OPERATING

ENGINEERS, LOCAL 953, AFL-CIO

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 28**

CHUGACH MANAGEMENT SERVICES JV Employer and INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 953, AFL-CIO Petitioner	Case 28-RC-091193
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TYPE OF ELECTION: STIPULATED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed. As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots have been cast for **INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 953, AFL-CIO**, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

Unit: All full-time and regular part-time Heavy Equipment Operators, Heavy Equipment Operator Leads, Riggers, and Heavy Equipment Mechanics employed by the Employer at its Kirtland Air Force Base, Albuquerque, New Mexico facility; excluding all other employees, clerical employees, guards, and supervisors as defined by the Act.



Signed at Phoenix, Arizona, on
the 28th day of November 2012

Cornele A. Overstreet
Regional Director, Region 28
National Labor Relations Board

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

A copy of the certification was served by mail on the following:

Chugach Management Services JV
2050 Wyoming Blvd SE, Bldg 20686
Kirtland Air Force Base, NM 87117

Elizabeth Hansen, Legal Assistant
Chugach Alaska Corporation
3800 Centerpoint Dr, Ste 700
Anchorage, AK 99503-5825

International Union of Operating
Engineers, Local 953, AFL-CIO
151 Pennsylvania SE
Albuquerque, NM 87108